

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-14-5-.03  
Rule Title: Preparedness and Prevention

         New      X   Amend             Repeal             Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?          YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?          YES

Is there another, less restrictive method of regulation available that could adequately protect the public?          NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?          NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?          NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?          YES

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Does the proposed rule have an economic impact?          NO

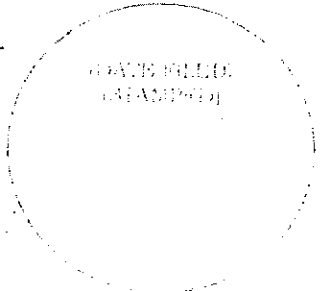
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Mandy Elliott*

Date October 20, 2017



APA-2  
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. &amp; TITLE:</u>	335 14-5-.01	<u>General (Amend)</u>
	335-14-5-.02	<u>General Facility Standards (Amend)</u>
	335 14-5-.03	<u>Preparedness and Prevention (Amend)</u>
	335-14-5-.05	<u>Manifest System, Recordkeeping and Reporting (Amend)</u>
	335 14-5-.06	<u>Releases from Solid Waste Management Units (Amend)</u>
	335 14-5-.07	<u>Closure and Post Closure (Amend)</u>
	335 14-5-.08	<u>Financial Requirements (Amend)</u>
	335 14-5-.09	<u>Use and Management of Containers (Amend)</u>

INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held December 6, 2017 at 1:30 PM in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 6, 2017

CONTACT PERSON AT AGENCY: Vernon H. Crockett, Chief of the Industrial Hazardous Waste Branch, ADEM Land Division (334/270-5627)

  
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Lance R. LeFleur  
Director

**335-14-5-.03**

**Preparedness and Prevention.**

(1) Applicability. The requirements of 335-14-5-.03 apply to owners and operators of all hazardous waste facilities except as 335-14-5-.01(1) provides otherwise.

(2) Design and operation of facility. Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.

(3) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the Department's satisfaction that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

(b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, ADEM Field Operations Division or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(4) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. Documentation of testing and maintenance must be recorded in the facility operating record as described in 335-14-5-.05(4).

(5) Access to communications or alarm system.

(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Department has ruled that such a device is not required under 335-14-5-.03(3).

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone

(immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Department has ruled that such a device is not required under 335-14-5-.03(3).

(6) Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Department's satisfaction that aisle space is not needed for any of these purposes.

(7) **[Reserved].**

(8) Arrangements with local authorities.

(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

1. Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

2. Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

3. Agreements with ADEM Field Operations Division emergency response teams, emergency response contractors, and equipment suppliers; and

4. Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(b) Where State of Alabama or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

**Authors:** Stephen C. Maurer, Amy P. Zachry, C. Edwin Johnston

**Statutory Authority:** Code of Alabama 1975, §§22-30-11, 22-30-16.

**History:** July 19, 1982.

**Amended:** April 9, 1986; August 24, 1989; January 25, 1992; January 5, 1995; March 27, 1998; April 13, 2001; March 15, 2002; April 3, 2007. **Amended:** Filed April 22, 2008; effective May 27, 2008; March 31, 2009.